

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

Eileen Abat

Debtor

Case No.: 18-14673

Chapter: 13

Hearing Date: 7/9/18

Judge LaShonda A. Hunt

NOTICE OF MOTION

TO: Marilyn O Marshall, Chapter 13 Trustee, 224 South Michigan Ste 800, Chicago, IL 60604 by electronic notice through ECF
 Eileen Abat, Debtor, 432 Elder Ct., Glenview, IL 60025
 Joseph S Davidson, Attorney for Debtor, 2500 South Highland Avenue, Suite 200, Lombard, IL 60148 by electronic notice through ECF

PLEASE TAKE NOTICE that on 7/9/18, at 9:30AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge LaShonda A. Hunt, Bankruptcy Judge, in the courtroom usually occupied by him/her at the Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, Illinois, room 719, or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on June 28, 2018 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on June 28, 2018.

/s/ Joel P. Fonferko
 Attorney for Movant

Berton J. Maley ARDC#6209399
 Rachael A. Stokas ARDC#6276349
 Gloria C. Tsotsos ARDC#6274279
 Jose G. Moreno ARDC#6229900
 Peter C. Bastianen ARDC#6244346
 Joel P. Fonferko ARDC#6276490
 Laura A. Hrisko ARDC#6230993
Codilis & Associates, P.C.
 15W030 North Frontage Road, Suite 100
 Burr Ridge, IL 60527
 (630) 794-5300
C&A FILE (14-18-04772)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on June 28, 2018 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on June 28, 2018.

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/s/ Joel P. Fonferko
Attorney for Movant

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NOTE: This law firm is a debt collector.

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES DITECH FINANCIAL LLC, (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;

2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 5443 S Indiana Ave Apt 3, Chicago, IL 60615;

3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 5/21/18;

4. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reason:

a. According to the chapter 13 plan, the aforementioned property known as 5443 S Indiana Ave Apt 3, Chicago, IL 60615 is to be surrendered;

5. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

6. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding as follows:

\$850.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$181.00 for Court filing fee

7. Documentation provided is in support of right to seek a lift of stay and foreclose if necessary;

WHEREFORE, DITECH FINANCIAL LLC prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this June 28, 2018.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Joel P. Fonferko

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